VERŻJONI ELETTRONIKA

I assent.

(L.S.) **MARIE-LOUISE COLEIRO PRECA**
President

17 th May, 2016

ACT No. XXVI of 2016

AN ACT to empower persons within the autism spectrum by providing for their health and well-being in society, the betterment of their living conditions, their participation and inclusion in society and to make ancillary and consequential provisions thereto in full adherence to the UN Convention on the Rights of Persons with Disability.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

PART I: Preliminary Provisions

Short title and commencement.

1. (1) The short title of this Act is the Persons within the Autism Spectrum (Empowerment) Act, 2016.

(2) This Act shall come into force on such date as the Minister responsible for persons with disability may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

(3) A notice under sub-article (2) may make such transitional provisions as appear to the said Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Committee" means the Standing Committee on Social Affairs of the House of Representatives set up by Standing Order 120A(v) of the Standing Orders of the House of Representatives; S.L.Const.02

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"Council" means the Autism Advisory Council established under this Act;

"Minister" means the Minister responsible for persons with disability;

"prescribe" means to prescribe by regulations made under this Act.

PART II: Autism Advisory Council

Establishment of the Autism Advisory Council.

3. (1) There shall be a body known as the Autism Advisory Council to perform the functions conferred or imposed on it by this Act.

(2) The Council shall be appointed by the Minister following consultation with the Standing Committee on Social Affairs for such time and on such conditions as the Minister may prescribe. The Council shall be initially appointed for a period of five years and any subsequent appointments shall be for a period of three years for each appointment.

Composition of the Council.

4. (1) The Council shall be composed of a Chairperson and eleven members.

(2) The Chairperson of the Council shall be appointed from amongst persons knowledgeable in autism spectrum.

(3) The members of the Council shall be divided into two categories:

(a) the *ex officio* members; and

(b) other members.

(4) The *ex officio* members of the Council shall be the following:

(a) the Permanent Secretary within the Ministry for Health or his representative;

(b) the Permanent Secretary within the Ministry for Education and Employment or his representative;

(c) the Permanent Secretary within the Ministry for Social Policy and Persons with Disability or his representative;

(d) the Dean of the Faculty for Social Wellbeing or his representative;

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(e) the Dean of the Faculty of Medicine and Surgery or his representative;

(f) the Dean of the Faculty of Education or his representative;

(g) the Commissioner for the Rights of Persons with Disability or his representative; and

(h) the Chief Executive Officer Aġenzija SAPPORT or his representative.

(5) The other members of the Council shall consist of three representatives of non-governmental organisations supporting individuals within the autism spectrum and their families, of which at least one shall be an adult with autism spectrum.

(6) Subject to the provisions of this article, the office of a member of the Council shall become vacant –

(a) at the expiration of five years in the case of the initial appointment of the Council or three years in the case of subsequent appointments, from the date of his appointment; or

(b) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment as such.

(7) A member of the Council may be removed from office by the Minister, but such member may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or of body or any other cause) or for misbehaviour.

(8) If the office of a member of the Council is vacant or if a member is for any reason unable to perform the functions of his office, the Minister shall appoint a person who is qualified to be appointed to be a member to be a temporary member of the Council, and any person so appointed shall, subject to the provisions of sub-articles (4) and (5), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

Secretary to the Council.

5. The Minister shall appoint a full-time Secretary to the Council.

Council meetings.

6. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

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Quorum, voting and procedure.

7. (1) A simple majority of members of the Council or of the Advisory Working Groups shall constitute a quorum.

(2) The Council shall act by a majority vote of its serving members present and voting. In the case of equality of votes, the Chairperson shall have the right to exercise the casting vote. Following the vote, the Chairperson shall present to the Minister all reports related to the said vote including any minority reports if any.

(3) The Council shall, subject to the provisions of this Act, regulate its own procedure.

Council agenda.

8. (1) The Chairperson shall draw up the Council agenda.

(2) The Secretary shall communicate the agenda drawn up as aforesaid to members.

Honorarium.

9. (1) The Chairperson and members of the Council shall receive such honorarium as the Minister shall prescribe. Such payment shall be paid on monthly intervals in the case of annual appointments and on completion of task in the case of appointments by task.

(2) The Advisory Working Group Chairpersons and Advisory Working Group Members shall receive an honorarium as the Minister shall prescribe, but should Advisory Working Groups not be appointed on an annual basis but on a task basis, they shall be paid an honorarium on completion of their task.

Functions of the Council.

10. (1) The Council shall act in an advisory capacity to the Minister and shall perform the following functions:

(a) prepare and submit to the Minister for his approval an Autism Support State Plan, as referred to in article 11 within one year of the Council's appointment;

(b) review, monitor and update at regular intervals or at such intervals as the Minister may prescribe, the Autism Support State Plan;

(c) advise the Minister on the implementation of the Autism Support State Plan;

(d) assist the Government to achieve the purposes of this Act;

(e) collect appropriate, anonymous and aggregated information on the collective population of persons within the autism spectrum, including statistics and research data;

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(f) give advice on:

(i) the promotion of vocational training, when required, and skills development programmes for persons within the autism spectrum;

(ii) the enabling of persons within the autism spectrum to learn life and social development skills to facilitate their full and equal participation in education and as members of the community;

(iii) the promotion of self-determination of persons within the autism spectrum;

(iv) the enhancement of access to appropriate support services and equal opportunities for inclusion and participation in society by providing, as appropriate, training to public administrators, service providers, educators, carers, caregivers, families, professionals and non-professionals on the needs and rights of persons within the autism spectrum; and

(v) the formulation of feasible, effective and sustainable intervention programmes for addressing the autism spectrum;

(g) propose training for parents and other persons who work with persons within the autism spectrum;

(h) create awareness raising initiatives for the general public *inter alia* to achieve autism acceptance within society;

(i) promote coordinated research regarding the identification and cause for the significant increase in children identified within the autism spectrum through a person-centred diagnostic approach;

(j) focus on the need to improve identification of undiagnosed adults within the autism spectrum through a person-centre diagnostic approach, addressing also the topic of autism and ageing; and

(k) carry out such other functions as the Minister may prescribe.

(2) In carrying out its functions under the provisions of this article, the Council shall aim to achieve the following objectives:

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(a) to empower persons within the autism spectrum by providing for their health, education, well-being and participation in all aspects of society and the betterment of their living conditions;

(b) to promote self-determination amongst persons within the autism spectrum;

(c) to maximize the potential for children and adults within the autism spectrum through their personal autonomy and active citizenship;

(d) to encourage early identification of children within the autism spectrum in order to provide appropriate early intervention services for children to achieve optimal participation in their home, school and locality;

(e) to effectively coordinate governmental and non-governmental human resources needed to provide early identification and evidence-based support required to ensure that persons within the autism spectrum reach their optimum potential; and

(f) to identify the socio-economic, psycho-educational and health needs of persons within the autism spectrum with a view for Government to address these needs.

Autism Support State Plan.

11. The Autism Support State Plan shall address matters related, but not exclusively, to family engagement and involvement, early identification and intervention services, educational support and services, access to sports and leisure, adult support and services, training and professional and personal development.

Resources of the Council.

12. The Minister shall provide the Council with such resources as it may need to carry out its functions in terms of this Act.

Sub-Committees.

13. The Council may create Advisory Working Groups to assist the Council in policy-making recommendations.

Provision of information and assistance.

14. Unless otherwise prescribed by any other law:

(a) the public administration shall provide to the Council any necessary assistance or information to enable the Council to carry out its duties under this Act; and

(b) free access shall be given to any books, records, or documents held by the public administration relating to matters within the scope of the Council's functions.

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PART III: Miscellaneous

Minister may make regulations.

15. The Minister may, following consultation with the Standing Committee on Social Affairs, from time to time, make regulations for all or any of the following purposes:

(a) drawing up a list of those non-governmental organisations supporting persons within the autism spectrum;

(b) prescribing any matter which has to be addressed by this Act; and

(c) providing for any other matters contemplated by this Act or necessary for its administration and, or its implementation.

Passed by the House of Representatives at Sitting No. 388 of the 11th May, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives